



## ILLINOIS COMMERCE COMMISSION

May 12, 2003

The Department of Transportation of the State of Illinois, for and in behalf of  
the People of the State of Illinois,  
Petitioner,

Vs.

Burlington Northern and Santa Fe Railway Company,  
Respondent.

Petition for approval of the taking or damaging of certain properties owned by a  
public utility in Knox County, Illinois, by exercising the right of eminent domain.  
Parcel 414Q005PE

T03-0042

Mr. Stanley L. Morris  
Quinn, Johnston, Henderson & Pretorius  
205 S. Fifth St., Ste. 900  
Springfield, IL 62701

Dear Mr. Morris:

Receipt is acknowledged of the original and four (4) copies of the Petition filed May 9, 2003 in the  
above matter.

Processing and Information Section

kl

cc: Mr. James Easterly, IDOT  
Mr. W. Douglas Werner, BNSF  
Ms. Cheryl Townlian, BNSF  
CT Corporation System, BNSF  
Mr. Duane Ratermann, Knox County

SLM:pm 102 275 116

THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF ILLINOIS, for and in  
behalf of the People of the State of Illinois,

Petitioner,

VS.

BURLINGTON NORTHERN AND  
SANTA FE RAILWAY COMPANY.

Respondent.

No.

ILLINOIS COMMERCE  
COMMISSION  
2003 MAY -9 P 3:18  
TRANSPORTATION DIV  
2500

(Parcel 414Q005PE)

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, Petitioner, by LISA MADIGAN, ATTORNEY GENERAL and STANLEY L. MORRIS, Special Assistant Attorney General, and for its Petition for Approval to Take Property states:

1. Petitioner is engaged in the construction and improvement of FAP Route 574 (Ill. Route 41), a State highway under the control and jurisdiction of Petitioner, in Knox County, Illinois, under and by virtue of the Illinois Highway Code (605 ILCS 5/2-101 through 5/2-220 and 5/4-101 through 5/4-511). The land and premises hereinafter described, and legally described as set out in Exhibit "A", attached hereto and incorporated by this reference, is required for Petitioner's construction of a bridge to carry Illinois Route 41 over Respondent trackage and present and future maintenance of said structure.

# DOCKETED

2. Respondent, BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY, is a rail carrier as defined in the Illinois Commercial Transportation Law (625 ILCS 5/18c-7101 et seq.), is engaged as a common carrier by railroad within Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.

3. The land, rights, and other property hereinafter described are private property and the Respondent appears to own, have an interest in, or claim to have some interest therein.

4. The Project is a public work, is for public use and constitutes a public purpose, in Knox County, Illinois; it is in the public convenience and necessity that the Petitioner have and acquire a permanent easement in Parcel No. 414Q005PE, described in attached Exhibit "A."

5. The compensation to be paid by the Petitioner to the Respondent for this parcel or the interest therein or the form of conveyance cannot be agreed upon between the Petitioner and the Respondent and the Petitioner, therefore, is authorized, subject to the initial approval of the Illinois Commerce Commission, to proceed to acquire said lands, rights or other property through the exercise of the right of eminent domain under the Eminent Domain Laws of Illinois.

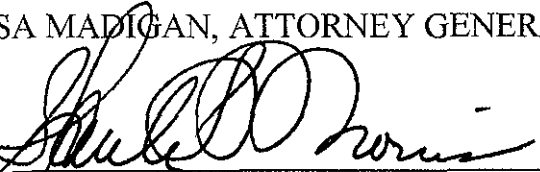
WHEREFORE, Petitioner prays the Illinois Commerce Commission enter an Order authorizing Petitioner to proceed with an action in eminent domain to acquire from Respondent, BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY, a permanent easement in Parcel No. 414Q005PE, more particularly described in attached Exhibit "A", all in accordance with Article VII (735 ILCS 5/7-101 through 5/7-129) of the

Illinois Code of Civil Procedure.

THE DEPARTMENT OF  
TRANSPORTATION,  
STATE OF ILLINOIS, Petitioner

LISA MADIGAN, ATTORNEY GENERAL

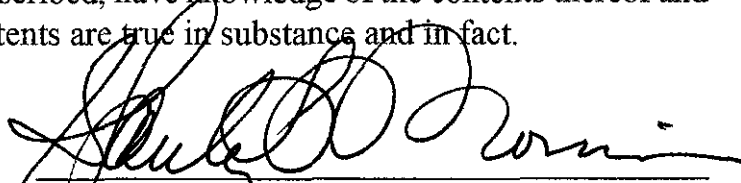
By

  
Stanley L. Morris  
Special Assistant Attorney General

Stanley L. Morris  
Special Assistant Attorney General  
205 South Fifth Street, Suite 900  
Springfield, IL 62701  
Telephone: (217) 753-1133

STATE OF ILLINOIS                    )  
  )     SS  
COUNTY OF SANGAMON            )

I, STANLEY L. MORRIS, of lawful age and being first duly sworn, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, have knowledge of the contents thereof and that on information and belief said contents are true in substance and in fact.

  
STANLEY L. MORRIS  
Special Assistant Attorney General

Subscribed and sworn to before me, a Notary Public, this \_\_\_\_\_ day of May, 2003.

\_\_\_\_\_  
Notary Public

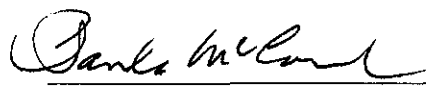
### PROOF OF SERVICE

The undersigned certifies that on May 9, 2003, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

Burlington Northern and Santa Fe Railway Company  
c/o CT Corporation  
208 South LaSalle Street  
Chicago, IL 60604

Burlington Northern and Santa Fe Railway Company  
c/o Staubach & Company  
Attn: Richard Rieck  
4105 Lexington Avenue, North, Suite 200  
Arden Hills, MN 55126

Burlington Northern and Santa Fe Railway Company  
c/o Mr. Robert Fowler  
Rail Property Management  
57 Ogden Avenue  
Clarendon Hills, IL 60514



**EXHIBIT "A"**

The Burlington Northern and  
Santa Fe Railway Company,  
a Delaware Corporation

Name

Route F.A.P. 574 (IL.RTE.41)

Section 14

County Knox

Parcel No. 414Q005-PE

Project No. R94-014-99

Contract No. 68159

Catalog No. 032122-00

Sta. 158+49.66

to Sta. 159+61.42

A tract of land being part of the Northeast Quarter of Section 32, Township – 11 – North, Range – 1 – East of the Fourth Principal Meridian, Knox County, Illinois, and being more particularly described as follows:

Commencing at the northeast corner of the Northeast Quarter of said Section 32, said point being 0.29 feet radially distant southeasterly from the existing centerline of F.A.P. Route 574 (IL. Rte. 41); thence South 01 degrees 04 minutes 16 seconds West, (bearings assumed for description purposes only) along the east line of the Northeast Quarter of said Section 32, a distance of 2583.99 feet to a point being 130.10 feet normally distant southeasterly from said proposed centerline; thence North 89 degrees 40 minutes 36 seconds West, a distance of 64.83 feet to a point being the intersection of the existing westerly right of way line of said F.A.P. Route 574 and the north right of way line of the Burlington Northern and Santa Fe Railroad Company, said point being 65.37 feet normally distant southeasterly from said proposed centerline as the Point of Beginning;

thence South 01 degrees 14 minutes 20 seconds West, along said existing westerly right of way line, a distance of 100.01 feet to a point being on the south right of way line

of said Burlington Northern and Santa Fe Railway Company, and being 69.16 feet normally distant southeasterly from said proposed centerline; thence North 89 degrees 40 minutes 36 seconds west, along said south right of way line, a distance of 219.48 feet to a point being 150.00 feet normally distant northwesterly from said proposed centerline; thence North 25 degrees 15 minutes 26 seconds East, a distance of 110.28 feet to a point being on the said existing north right of way line of the Burlington Northern and Santa Fe Railway Company, said point being 108.97 feet normally distant northwesterly from said proposed centerline; thence South 89 degrees 40 minutes 36 seconds East, along said existing north right of way line, a distance of 174.59 feet to the Point of Beginning, containing 19,703 square feet, more or less, or 0.452 acres, more or less, of which no part is in existing public road right of way.

The said real estate being also shown by the plat hereto attached and made a part hereof.